



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/026,147	12/17/2001	Alain Silvestre	600.1204	8232

23280 7590 04/24/2003

DAVIDSON, DAVIDSON & KAPPEL, LLC
485 SEVENTH AVENUE, 14TH FLOOR
NEW YORK, NY 10018

EXAMINER

NASH, BRIAN D

ART UNIT PAPER NUMBER

3721

DATE MAILED: 04/24/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/026,147

Applicant(s)

SILVESTRE, ALAIN

Examiner

Brian D Nash

Art Unit

3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to applicant's amendment received 29 January 2003.

Election/Restrictions

2. Applicant's election without traverse of claims 1-16 and 18 (Group I) in Paper No. 7 is acknowledged.

Priority

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

4. This application, filed under former 37 CFR 1.60, lacks formal drawings. The informal drawings filed in this application are acceptable for examination purposes. When the application is allowed, applicant will be required to submit new formal drawings. In unusual circumstances, the formal drawings from the abandoned parent application may be transferred by the grant of a petition under 37 CFR 1.182.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Art Unit: 3721

6. Claims 11-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 11, line 1, it is not clear whether the term "speed" refers to the instantaneous speed of parent claim 7 and if so, is this instantaneous speed the calculated speed as defined by claim 11?

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1, 3-5, 8-10, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 4,578,052 to Engel et al in view of DE 197 43 020 to Hofer et al. Engel discloses the invention substantially as claimed including a device for analyzing fold deviations having sensors (3) and rectangular markings (I, II, III, see Figs. 1-2) applied to a printed product (see column 1, lines 49-65) on opposite sides at the edge of the product wherein the device evaluates signals from the markings and adjusts folding positions accordingly (see column 6, claim 7). Engel does not disclose an analyzing device for fold deviations for printed products conveyed in a shingle stream. However, Hofer shows a separating device for printed products conveyed in a shingle stream.

Art Unit: 3721

In view of Hofer, it would have been an obvious to one having ordinary skill in the art to have combined the separating apparatus with the device for analyzing fold deviations for the purpose of automating the analysis of folding accuracy thereby making it faster and more reliable.

Regarding claims 9-10, the examiner notes that little patentable weight has been given to the product since no further structural limitations for the analyzing device are defined and it would appear that claimed invention would perform similarly regardless of the overlapping product covering a portion of the markings.

9. Claims 2, 6-7, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 4,578,052 to Engel et al and DE 197 43 020 to Hofer et al as applied to claims 1, 3-5, 8-10, and 18 above, and further in view of US 4,061,326 to Proudman. As discussed above in paragraph 8 of this office action, Engel and Hofer disclose the invention substantially as claimed, but do not show an analyzing device that determines deviations via a time lag calculation. However, Proudman teaches the use of sensors to measure a time interval (see Proudman, column 1, lines 34-44) for determining fold position accuracy.

In view of Proudman, it would have been obvious to one having ordinary skill in the art to have used the method of measuring the time interval between signals generated by the markings with the device combination of Engel and Hofer for the purpose of analyzing fold position accuracy.

10. Claims 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 4,578,052 to Engel et al, DE 197 43 020 to Hofer et al, and US 4,061,326 to Proudman as applied to claims 1-11 and 18 above, and further in view of US 6,086,522 to Hechler. As

Art Unit: 3721

discussed above in paragraph 9 of this office action, Engel, Hofer, and Proudman disclose the invention substantially as claimed, but do not disclose the use of software for determining at least one of the mean speed, the time lag, and the analysis for determining the folding accuracy via detection of at least one fold deviation. However, Hechler teaches the use of a programmable microprocessor (hence the use of software) in combination with a closed-loop control circuit for positional accuracy of a folding station (see Hechler, column 2, line 51 to column 4, line 11).

In view of Hechler, it would have been obvious to one having ordinary skill in the art to have used the programmable microprocessor in combination with the device combination of Engel, Hofer, and Proudman for the purpose of analyzing fold deviations in a yet faster and more reliable manner.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Chapdelaine et al, Brandon et al, Clary et al, Yoshida, Kusaba, and Heist are cited to show related references.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Nash whose telephone number is (703) 305-4959. The examiner can normally be reached on Monday – Thursday from 8 a.m. to 5 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached at (703) 308-2187.

The fax numbers for this Group are:

Before Final	703-872-9302
After Final	703-872-9303
Customer Service	703-872-9301

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1148.

Brian D. Nash
10 April 2003



Rinaldi I. Rada
Supervisory Patent Examiner
Group 3700